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## Senate

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### CHEMICAL WEAPONS CONVENTION

Mr. BIDEN. Mr. President, again, I did not anticipate that I would be speaking to this issue. Fortunately, or unfortunately, I am on the floor, and I understand why the Senator from North Carolina came over to speak in light of things that were said earlier today when he was not here and I was not here. I would like to respond, at least in part, to what my distinguished colleague has said.

Let me begin by parcelling this out into three pieces. First, is the issue of whether or not the administration has acted in good faith; second, is not whether or not the substantive issues raised by the distinguished Senator from North Carolina are accurate, but whether or not there is a response to them; I think his concerns are not accurate; and third, whether or not the ultimate condition being laid down by the Senator from North Carolina, as I understand it--and I could be wrong--is appropriate.

Let me begin, first, by talking about the administration. It is true that the distinguished Senator from North Carolina and I spent almost 4 1/2 hours last night addressing, in very specific detail--apparently without sufficient success--the concerns the Senator from North Carolina has about this treaty. I note--and I will come back to this--that the universe of concerns expressed by the Senator from North Carolina were submitted to me in writing some time ago. Although they have expanded slightly, they total 30, possibly 31, concerns.

When I became the ranking member of this committee, I approached the distinguished chairman and said I would very much like to

work with him, I would very much like to cooperate, and I would very much like to work out a forum in which we could settle our differences relating to what is sound foreign policy.

The agreement made by the Senator from North Carolina with regard to the Senator from Delaware was this: I said I am willing to meet with your staff--you need not be there, Mr. Chairman--and discuss in detail every single concern you have. I am even willing to go out to Admiral Nance's home, because he was seriously injured. I am willing to go to his home and conduct these discussions. And to the credit of the chairman, he dispatched his staff to do that with me, my staff included, and I do not know, I will submit for the Record, the total number of hours we did this. But I know that I, personally, in addition to meeting with the

Senator from North Carolina, have met with the staff for hours and hours. And our staffs have met for a considerably longer period of time--not in a generic discussion of this treaty, but on specific word-by-word analyses, negotiations, and agreement on the detail of proposals made by the distinguished Senator from North Carolina about how he feels the treaty has to be remedied.

So what has the administration been doing? I think, to use an expression my grandmother used to use, 'Sometimes there is something missed between the cup and the lip.' The administration--as I tried to explain to my friend from North Carolina last night, and his staff on other occasions--was giving conflicting marching orders. The administration, after direct discussions with Majority Leader Lott prior to January 29, agreed to meet and discuss this in detail with a task force that Senator Lott named. Senator Lott named a task force of interested Republicans.

They included the distinguished chairman of the Foreign Relations Committee; the distinguished senior Senator from Alaska, Senator Stevens; Senator Smith of New Hampshire; Senator Kyl of Arizona; Senator Warner of Virginia, and others, who were

to sit down and discuss with the administration their concerns about this treaty and how they felt the treaty had to be changed. The first meeting of that task force, of which Senator Helms was a part, appointed by Senator Lott, occurred on January 29.

Now, my friend from North Carolina--I can understand why there may be confusion here. He said that Sandy Berger, the National Security Adviser, dallied away the month of February. He was dallying with Senator Lott; he was dallying with Senator Warner; he was dallying with Senator Shelby; he was dallying with Senator Bob Smith; he was dallying with Senator Kyl; he was dallying with a task force appointed by the Republican leader.

I can understand why the distinguished Senator from North Carolina, the chairman of the Foreign Relations Committee, might not feel that is an appropriate forum. I can understand that. Those of us who have been chairmen do not like the fact that a majority leader will sometimes come along and say, 'By the way, even though this is within your jurisdiction, we are going to appoint a task force beyond your jurisdiction.'

But the truth of the matter is, picture the quandary of the President of the United States after a discussion with the majority leader of the U.S. Senate, and the majority leader said, 'Here are the folks you are supposed to deal with.' I challenge anyone on Senator Lott's staff who are the main players in this to suggest that the administration didn't deal in good faith with them. There were hours and hours and hours of detailed negotiations with this group.

I say to my friend from North Carolina, put the shoe on the other foot. He is the President of the United States. Here is a Democratic majority leader. He wants a treaty passed. The Democratic majority leader goes to him and says, 'I have appointed a committee of Democrats interested in this subject. I would like you to negotiate with them, not with Biden, the chairman of the committee. He is part of this group.'

So, beginning on January 29, Sandy Berger, Bob Bell, his chief negotiator, and the administration met for scores of hours. I don't mean 2. I don't mean 10. I don't mean 20. I mean 30 or 40 hours worth of negotiations with the principals, with the

Republican Senators, as well as without them. Guess what. They reached an agreement. There is a universe of 30-some amendments. I hold it up now. This is what was presented to the administration by this coalition of Republican Senators concerned about the treaty. It, in fact, lists every known objection, every objection raised by any Republican that we are aware of or that the administration is aware of about the treaty. The number is 30.

This document I have here listing those 30 concerns--not only concerns, 30 specific conditions--which the Republican task force, staffed by Senator Lott's staff and all other members' staff, listed. And they are listed. The specific proposals are listed that were made by the Republican task force.

No. 1, enhancement to robust chemical and biological defenses. And they propose then two pages of language, three pages that relate to the conditions they would like attached to the treaty. That was repeated 30 times as is appropriate. The administration spent 30 or more hours sitting with these members and/or their staff and coming to an agreement on 17 of them, disagreeing on 13.

So, simultaneously, later Senator Helms and I began a process that was tracking the same process. I was not part of the Republican group, obviously, and I did not represent the administration in this group. But the administration sat down and in detail responded to every single concern raised by the Republican task force named by the majority leader, and instructed by the majority leader to deal with that group. Simultaneously, I sat for hours and hours with Senator Helms' staff, and then last night, at the end of the process, with Senator Helms himself for 4 hours. I will estimate that I sat with the staff and my staff sat with Helms' staff 20 hours or more.

Again, Senator Helms was very straightforward with us. He gave us a document listing his 30 concerns, some of which were the same and some of which were different. This is the document presented to me. Over a period of hours and hours and hours of negotiation, I agreed on 21 of the 30 issues raised by Senator Helms, disagreed on 9, 3 of which I indicated I would not take opposition to but I didn't support.

So with all due respect to my distinguished chairman,

he may not have been aware and his staff may not have informed him of the hours and hours and hours and hours of detailed negotiation between the Lott task force, including his staff and the administration. But had he been informed, he would know that those negotiations began at the instruction of Senator Lott on the 29th of January.

So I am sure when the Senator reads this in the Record or is informed by his staff, he will realize that the fact he didn't meet with Sandy Berger until February 15 should not be a surprise. Sandy Berger thought he was meeting with Senator Helms when he met with Senator Lott's task force.

Let me tell you what was the agreed objective of the task force and of my negotiations. It was this, that we would put all of the universe of objections--and I hope those who follow this in the press, watching this now or reading it later, will understand precisely what I am about to say. The objective was--I think the Presiding Officer, who has been involved in and interested in this issue, may be aware of this as well. It was agreed that the Republican objections--legitimate--would be put in writing, which they did. All of them would be laid down, which they were. They said they totaled 30. They would be talked about, fought over, negotiated, to see if there could be a compromise reached, and, at the end of the day, there would be two lists. Every one of those 30 amendments would fall in either column A, where there was agreement between the Lott task force and the administration, and hopefully Biden and Helms. Those things which could not be agreed to in column B. They got this picture.

Thirty written conditions seeking to alter the interpretation of the treaty, or defend the intent of the treaty, put on paper, negotiated between the administration and the Lott group, and at the end of the day, they would be, to use the jargon of the Senate, 'fenced.' That would be the universe of concerns, because, obviously, you can't address a concern unless you know what it is. They are the universe of concerns raised about the treaty. And there would be either conditions 1 through 30 placed in column A, where there is agreement to alter the treaty, or to add a condition to the treaty, I should say to be precise, or column B, where there is no agreement.

Then what was envisioned was at the end of that process, within time, sufficient time to consider this in this Chamber, there would be the following process. The treaty would be brought up from the desk, stripped of any conditions that were reported out of the Foreign Relations Committee last time--this was the hope--and we would have the following procedure. Senator Helms and Senator Biden, as envisioned by the Lott group, would offer on behalf of the Lott group, Democrats and Republicans and the administration, a package in column A.

That package with the administration would number 17, and if I were willing to add to that package with Senator Helms over the objection of the administration, that could be brought up to 21 out of the 30 concerns that everyone agreed on or 17 of the 21 the administration agreed on and Biden would support Helms on 4 additional ones whether the administration liked it or not, leaving maximum 13, minimum 9, conditions that could not be agreed upon.

That was done. They are the numbers that we were left with. Then it was envisioned that after passing the agreed-to conditions, we would then move to the conditions upon which we did not agree, and the Republicans under the leadership of Senator Helms would offer those conditions as we do on other treaties. I would be given the right to offer an alternative or to amend them, and we would vote ad seriatim. Then at the end of the day, after having disposed of all 30 of the concerns, we would then vote up or down on the treaty.

Now, I call that a negotiation. I have been here for 24 years. I have been involved in a lot of serious negotiations. I have never been involved in negotiations where more people who were appointed to participate have acted in good faith. Think about this now. Name me a circumstance where a treaty has been presented by a Democrat or Republican President where there have been 19 conditions agreed to on that treaty, or 21 conditions in my case, 17 in the case of the administration, and then we vote on another either 13 or 9 additional changes.

What I think my friend is saying--maybe he does not mean to say it--what I read him to say is, unless you agree with us on the other nine, we are not going to

let you vote.

Now, look, I doubt whether my friend from North Carolina would find it appropriate if the American textile workers sat down with Burlington Mills or any other textile owner and said, we are going to negotiate a new collective bargaining agreement and we are going to go on strike unless you agree on every one of our conditions.

How is that a negotiation? That is an ultimatum. That is not a negotiation. So I hope he does not mean it.

I cannot believe, I do not believe Senator Helms means that if the administration does not come up now and separately negotiate with him after having settled the negotiation with the group called the Lott group, unless the administration agrees to Senator Helms' version of universality, Senator Helms' version of verifiability, and Senator Helms' version of constitutional requirements, et cetera, he will not let the treaty be voted on, because when you cut through everything, that is what it sounded like.

I said at the outset I divided this into three pieces. One, whether or not there was negotiation by the administration in good faith. I will just let the record stand. And I repeat again, Senator Lott--and I do not know the exact circumstances under which it came about, but I assume it was after discussion with the President of the United States of America, President Clinton--set up a task force that included Senator Stevens, Senator Helms, Senator Kyl, Senator Warner, Senator Shelby, Senator Nickles, Senator Bob Smith, and Senator McCain. The President of the United States was told by the distinguished majority leader, Senator Lott, these are the people I want you to sit down with and try to work out their concerns.

That first meeting took place on January 29. I began my meetings with Senator Helms on February 11. Again Senator Helms and his staff were part of the Lott task force.

So although I understand that Senator Helms might not have

liked that arrangement, I ask him to consider the dilemma that the administration was placed in when being told by the majority leader: negotiate with this

group. I assure you, I promise you, I commit to you, to every Member of the Senate in my discussions with the President, with the Secretary of State and with the National Security Adviser, they all believed they were negotiating with the appropriate parties in the Senate because that is what the majority leader told them to do.

The second point. They conducted a negotiation which culminated in an agreement that ended last Thursday when Bob Bell, representing the administration, sat down with the principals as well as all the staffers of those eight Senators, including Senator Lott's staff, and produced the document I have in my hand listing all 30 conditions raised by the Republican task force, including Chairman Helms, and placing every condition either in column A or column B--column A meaning those conditions where they have been worked out and agreed to, where the Lott task force, representing the Republicans in the Senate, and the administration reached an agreement on a condition they could both accept; and column B, where they could not accept, they could not reach an agreement.

That was the product of hours and hours and hours of detailed negotiation. I say to the Presiding Officer and anyone who is listening to this, I am not talking about general agreement. I am talking word-by-word specific agreement on every comma, whether it should say 'shall' or 'should,' every single word of their conditions, the majority of which were agreed to, compromise was reached on; the minority of which there was no compromise.

I then was informed by the administration in the person of Bob Bell and Sandy Berger that to their surprise either Senator Helms' staff or someone purporting to represent Senator Helms at last Thursday's meeting, which was supposed to tie this in a knot, define the universe of conditions, place them all in one of two categories, and get about the business of proceeding on the treaty, at the last minute--literally the last minute--as I understand it. I mean, the meeting was over--the administration walked in the meeting, as I understand the Lott group thought they were walking in the meeting, to tie this knot, everything in column A or column B. Someone suggested that the chairman of the full committee did not find that appropriate. So I met with the Democratic leader and the administration. I went

in the leader's office.

I said I believe Senator Helms is still operating in good faith, as I believe he still is. I don't want to confuse this negotiation, but why don't you authorize me, Democratic leader, to speak for the Democrats? Why don't you let me go sit down with Senator Helms and try to get to the bottom of what appears to be a misunderstanding here? Because the understanding by the Lott group and the administration was that this was supposed to be all tied up with a unanimous-consent agreement last Thursday.

So I sought a meeting with Senator Helms and he graciously agreed. And I kept him very late. He had a very busy day. I sat with him in his office last night until 8:30. The meeting began around 4 o'clock in the afternoon, without any break, without any interruption. I took out a document that his staff had prepared. It is dated March 13, 'To the Honorable Trent Lott, majority leader, from Jesse Helms, Chairman of the Foreign Relations Committee, subject: Status of negotiation over key concerns relating to the CWC.'

And then Senator Helms, in that memo to Senator Lott, listed--and they are numbered--listed 30, 'concerns relating to CWC.' Each of those concerns had, and it was very helpful the way it was organized, listed, No. 1 through 30, and then at the top of each of the numbers it said, 'status,' status relative to the administration: No agreement with the administration or agreement with the administration.

So I sat down with Senator Helms, because I am very jealous of the prerogatives of the Senate versus any administration, and feel very strongly about the role of the Senate in treaties. I sat down with Senator Helms with the understanding and knowledge on the part of the administration, who knew I might not agree with them on everything, and my Democratic leader, and for 4 1/2 hours went through all 30 issues, point by point. I reached agreement with Senator Helms, not on eight or 13 or 17, depending on whose number you take as to whether the Lott group and the administration agreed. The administration thinks they agreed on 17. Senator Helms said they only agreed on eight. I don't want to get into that fight. But I can tell you what I did. I agreed on 21 of the 30. I disagreed with the administration on several

points Senator Helms raised because I think he was right. They relate to the prerogatives of the Senate.

Let me give an example. Under the Constitution, the U.S. Senate has a right to reserve on any treaty. We wanted to restate that right. The administration didn't want that right restated in the treaty as a condition. I agreed with Senator Helms, it should be restated; notwithstanding the fact we are not reserving on this treaty, we had a right to reserve if we wanted to. That is called preserving the prerogatives of the Senate delegated to the Senate in the Constitution of the United States of America. That is an example of one of the areas where the administration was unwilling to agree with Senator Helms and I was willing to agree.

So at the end of the day we agreed to 21 items, and I was willing to make the case to my Democratic leadership, to put into column A. So that we would have one vote on 21 conditions to the treaty when it was brought up, leaving only 9 areas where we disagree. Of those nine, we were perilously close to agreement on several. I call that, in the universe of negotiations, good-faith negotiations.

But, if by negotiating one means that the President or those who support the treaty, like Senator Lugar, a Republican, or Senator Biden a Democrat, have to agree to a condition that would kill the treaty, then that is not a negotiation. That is an ultimatum. Now, I am confident the Senator from North Carolina cannot mean that, and I am hopeful that we will continue to talk about the nine that remain unresolved. But at the end of the day, with all due respect, the Senate has a right to work its will.

I am a professor of constitutional law at Widener University law school. I have taught, now, for a half a dozen semesters, a

seminar to advanced students in constitutional law on separation of powers. One of the things I expressly teach is the treaty power in the Constitution. That is, for lack of a better shorthand, those powers separated between the executive, the legislative, and judiciary. And among those things, in terms of that horizontal separation, there are areas that have been in dispute for the last 200 years. One of them is appointment powers, second is treaty powers, and the other is war powers.

Then there is the so-called vertical question of the separation of powers: State government versus Federal Government; individuals versus State or Federal Government. On the issue of the treaty power, I would observe what I observed earlier about the appointment power. Nowhere in the Constitution does it say that the Judiciary Committee shall decide who should or should not be a judge. It says, the Senate. Nowhere in the Constitution does it mention the Foreign Relations Committee. It mentions the Senate. So, I do think it is inappropriate, from a constitutional perspective, to deny the Senate, if that were anyone's intention, and I am not convinced it is yet, the right to vote 'yea' or 'nay' on ratifying a treaty or any conditions thereto.

So now let me leave the item I mentioned I would speak to first, whether or not there were good-faith negotiations on the part of the administration. I hope I have amply demonstrated that there were. They thought they were supposed to deal with the task force the majority leader of the Senate said deal with, and they did it in good faith. I would be very surprised if any member of that group--I have not spoken to any of them because I am not part of that group, from Senator Warner to Senator Stevens to Senator McCain to Senator Kyl--would come to the floor and say the administration did not negotiate in good faith to us, tirelessly, hour after hour after hour.

Mr. President, let me move to the next point that relates to the merits of this treaty. That is a legitimate area of disagreement. I will be brief because I am keeping the staff and the pages, who have to go to school tomorrow morning, very late.

## UNIVERSALITY

Critics charge that the CWC will be ineffective because rogue states such as Syria, Iraq, North Korea, and Libya--all of whom are suspected of or confirmed to have chemical weapons --have not joined the convention .

Therefore, the argument goes, the United States should withhold its ratification until these states join.

I could not disagree more.

Just think of it. The logic of this argument would lead us to a world where rogue actors--not good

international citizens--determine the rules of international conduct.

Such a policy would amount, effectively, to a surrender of U.S. national sovereignty to the actions of a few.

Instead of the United States actively leading international coalitions and setting tough standards on nonproliferation matters, the convention opponents would have us do nothing until every two-bit rogue regime would decide for us when we should act.

This reasoning is contrary to the record of the past 40 years, during which the United States has led the way in nonproliferation initiatives.

From the nuclear nonproliferation treaty, to the missile technology control regime, to the comprehensive test ban treaty, and to the chemical weapons convention itself, we have fought for establishing accepted norms of behavior.

I happen to believe that international norms count.

In a recent article that I coauthored with my distinguished colleague, Senator Richard Lugar, we noted that such norms provide standards of acceptable behavior against which the actions of states can be judged. They also provide a basis for action--harsh action--when rogue states violate the norm.

Suggesting that we should now take a back seat to the likes of North Korea and Libya does a grave injustice to our record of international leadership and leaves such nations free to act as free operators without fear of penalty or retaliation by the nations whose armies and citizens they threaten.

The fact that there is now no international legal prohibition against the development of chemical weapons should not be lost here.

The suspected programs that treaty opponents are so concerned about are right now entirely legitimate according to international law, and we have already had a telling example of what can result from this perverse situation.

The Japanese police were aware, before a cult

attacked the Tokyo subway with sarin nerve gas in 1995, that the cult was manufacturing the gas--but they had no basis in Japanese law to do anything about it.

That will change, both internationally and domestically, once the CWC enters into force.

The convention will establish an international norm against the development of chemical weapons . It will provide the legal, political, and moral basis for firm action against those that choose to violate the rules. If the goal of treaty opponents truly is to target the chemical weapons programs of suspect states, then joining the convention is the best way to achieve this objective--and refusing to join is the surest way to protect the world's bad actions.

#### VERIFIABILITY

A great benefit of the chemical weapons convention is that it increases our ability to detect production of poison gas.

Regardless of whether we ratify this convention , regardless of whether another country has ratified this convention , our intelligence agencies will be monitoring the capabilities of other countries to produce and deploy chemical weapons . The CWC will not change that responsibility.

What this convention does, however, is give our intelligence agencies some additional tools to carry out this task. In short, it will make their job easier.

In addition to onsite inspections, the CWC provides a mechanism to track the movement of sensitive chemicals around the world, increasing the likelihood of detection. This mechanism consists of data declarations that require chemical companies to report production of those precursor chemicals needed to produce chemical weapons . This information will make it easier for the intelligence community to monitor these chemicals and to learn when a country has chemical weapons capability.

In testimony before the Senate Foreign Relations Committee in 1994, R. James Woolsey, then Director of Central Intelligence, stated: `In sum, what the chemical weapons convention provides the intelligence community is a new tool to add to our

collection tool kit.'

Recently, Acting Director of Central Intelligence, George Tenet, reemphasized this point before the Senate Select Committee on Intelligence. Mr. Tenet stated: `There are tools in this treaty that as intelligence professionals we believe we need to monitor the proliferation of chemical weapons around the world. \* \* \* I think as intelligence professionals we can only gain.'

No one has ever asserted that this convention is 100 percent verifiable. It simply is not possible with this or any other treaty to detect every case of cheating. But I would respectfully submit that this is not the standard by which we should judge the convention . Instead, we should recognize that the CWC will enhance our ability to detect clandestine chemical weapons programs. The intelligence community has said that we are better off with the CWC than without it--that is the standard by which to judge the CWC.

#### CONSTITUTIONALITY

One of the issues that should not be contentious, and I hope will not continue to be a focus of attention, is whether the convention , and particularly its inspection regime, is constitutional.

Every scholar that has published on the subject, and virtually every scholar that has considered the issue, has concluded that nothing in the convention conflicts in any way with the fourth amendment or any other provision of the U.S. Constitution.

Indeed, to accommodate our special constitutional concerns, the United States insisted that when parties to the convention provide access to international inspection teams, the government may `[take] into account any constitutional obligations it may have with regard to proprietary rights or searches and seizures.'

In plain English, this means that inspectors enforcing the Chemical Weapons Convention must comply with our constitution when conducting inspections on U.S. soil.

It also means that the United States will not be in violation of its treaty obligations if it refuses to provide inspectors access to a particular site for

legitimate constitutional reasons.

In light of this specific text, inserted at the insistence of U.S. negotiators, I am hard pressed to understand how anyone can seriously contend that the convention conflicts with the Constitution.

There is nothing in the convention that would require the United States to permit a warrantless search or to issue a warrant without probable cause. Nor does the convention give any international body the power to compel the United States to permit an inspection or issue a warrant.

This is the overwhelming consensus among international law scholars that have studied the convention, two of whom have written to me expressing their opinion that the convention is constitutional. I ask unanimous consent that the letters of Harvard law professor, Abram Chayes, and Columbia law professor, Louis Henkin, be included in the Record following my statement.

So let me make this point absolutely clear, despite what opponents of the convention have said, there will be no involuntary warrantless searches of U.S. facilities by foreign inspectors under this convention.

In light of this, I hope that the constitutionality of this convention will not become an issue in this debate.

Let me conclude that portion by suggesting to my distinguished colleague from Alabama, who is presiding, that I believe, on the merits, this is a good treaty. It is not merely me. The Senator from North Carolina listed people who do not think it is a good treaty. I will submit for the Record everyone, from General Schwarzkopf to the Joint Chiefs of Staff to Senator Lugar, people who believe very, very fervently, as I do, this is clearly in the overwhelming national interest of the United States of America. I ask unanimous consent that a list of supporters of the CWC be printed in the Record at the conclusion of my remarks.

Now let me move to the third issue. The notion of, as my friend from North Carolina stated, that there is an artificial date of April 29 made up by the administration to put undue pressure on the Senate to act. Let me point out for the Senate that there is nothing artificial about that date. It is real.

What does that mean? It means that our failure to



ratify before the 29th will have consequences. First,

the chemical weapons treaty mandates trade restrictions that could have a deleterious impact upon the American chemical industry. If the United States has not ratified, as long as they have not ratified, American companies will have to supply end user certificates to purchase certain classes of chemicals from the CWC signatories. After 3 years, they will be subject to trade sanctions that will harm American exports and jobs.

I know that my friend says a lot of chemical companies do not like this. I come from a State that has a little bit of an interest in chemicals, the single most significant State in America that deals with chemicals. A little company called Du Pont; a little company called Hercules; a little company called ICI Americas; a little company called Du Pont Merck--little pharmaceutical outfits who are among the giants in the world. They are not what you call liberal Democratic establishments. They are ardently--I can testify--they are ardently in favor of this treaty. They believe it is desperately in the interest of the United States of America and their interest. This is not a bunch of lib labs out there who are arms controllers running around saying, 'Disarm, ban the bomb.' These are Fortune, not 500, not 100, 10, Fortune 10 companies that are saying, 'We want this treaty.' And further, 'We will be harmed if we do not enter this treaty.'

This overall governing body, known as the Conference of State Partners, is going to meet soon after April 29 to draw up the rules governing the implementation of this treaty. If we, to use the vernacular, 'ain't' in by the 29th, if we are not on by the 29th, we do not get to draw up those rules.

There used to be a distinguished Senator from Louisiana I served with for a long time. My friend, the Presiding Officer, knew him from his days up here. His name was Russell Long. He used to say kiddingly, 'I ain't for no deal I ain't in on.' But the chemical industry, which is our largest exporter--hear what I just said--the biggest fish in the pond are saying, 'We want to be in on the deal.'

That is why the 29th is important. If we are not a party to the CWC, we will not be a member of that conference. And this body, with no American input, could make rules that have a serious impact upon the United States.

Third, there will be a body called the executive

council with 41 members on which we are assured of a permanent seat from the start because of the size of our chemical industry, that is, if we have ratified by the 29th. If we ratify after the council is already constituted, then a decision on whether to order a required surprise inspection on an American facility may be taken without an American representative evaluating the validity of the request and looking out for a facility's interest because we will not be on the

standing executive council that makes that decision.

Fourth, there will be a technical secretariat with about 150 inspectors, many of whom would be Americans because of the size and sophistication of our chemical industry. If we fail to ratify the convention by the 29th, there will be no American inspectors.

And finally, and most importantly, in the long term, by failing to ratify, we would align ourselves with those rogue actors, those rogue states who have chosen to defy the Chemical Weapons Convention . There would be irreparable harm to our global leadership on critical arms control and nonproliferation issues.

I will not take the time now to address other concerns that have been raised, because I said I would limit myself to these three points.

Concluding, Mr. President, first, there has been good-faith, long and serious negotiations resulting in significant movement by the administration on conditions to the Chemical Weapons Convention .

Second, this treaty is in the overwhelming national interest of the United States of America, a topic I am ready, willing, and anxious to debate with my distinguished colleague from North Carolina and others who think it is not.

But at a minimum, Mr. President, the Senate should get a chance to hear that debate and vote on whether or not the distinguished Senator from North Carolina is correct or the Senator from Delaware is correct.

Third, Mr. President, April 29 is not an artificial date. Because the triggering mechanism was when we got to 65 signatories, and that 6 months after that date the treaty would enter into force.

Well, 65 have signed on. And 6 months after they got

to the No. 65, happens to be April 29. This is not artificial. We did not make up the date. That is what the treaty says.

So, Mr. President, I sincerely hope that my friend from North Carolina, having reflected on the quandary the administration was placed in, which was to negotiate with the Lott group--they thought they were negotiating with Senator Helms; they thought they were negotiating with every Republican who had an objection, under the auspices of Senator Lott--if they had known that Senator Helms did not view that as the appropriate forum for this negotiation, they would have simultaneously met with him.

But now at the end of the process, when we are about to go out on recess, to say that we are not ready to bring this treaty up when we get back unless there is a new negotiation, I find unusual, particularly since I have agreed with the Senator from North Carolina that I will sign on to additional conditions with him.

Let us vote on the only nine outstanding issues that I am aware of that have been raised. None other has been raised that I am aware of, that the administration is aware of, anyone in the Lott group is aware of, to the best of my knowledge.

So, Mr. President, let me conclude by saying, the Senator from North Carolina has dealt with me in good faith. We have negotiated in great detail. He has listed his 30 objections. We have agreed on 21 of the 30. We disagree on nine. We agree on a method to vote on those nine.

I sincerely hope--I sincerely hope--for the interest of the United States of America, after having already decided in the Bush administration that we would do away with the use of chemical weapons regardless of what anybody else did, that we would not now lose our place of leadership in the world and our ability to engage in the moral suasion that relates to nonproliferation and the diminution of weapons of mass destruction, that we would not now forgo that position merely because 1, 2 or 5 or 10 Senators said we should not even bring it on the floor to debate.

I do not believe that will happen. But then again, my wife thinks I am a cockeyed optimist. But I do not think I am being unduly optimistic or a cockeyed

optimist. I think having been here this long, that the Senate will get a chance to work its will. That is all I am asking. All I am asking is the Senate get a chance between now and the 29th of April to decide whether it likes this treaty or not. I believe every Member of this Senate has the national interests of the United States of America in mind when they act and when they vote.

Let each of them vote their conscience on this treaty. If it turns out that 66 do not agree with me, then we

have spoken, as we did in the League of Nations. The consequences of that vote I think were disastrous. I think the consequence of failure to ratify this treaty would be disastrous. But I think the consequence of not even letting the Senate vote will be catastrophic.

I yield the floor, Mr. President.